

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**FRANCIS SCHAEFFER COX**

**Plaintiff,**

**vs.**

**WILLIAM TRUE,  
KATHERINE SIEREVELD,  
ANGELA DUNBAR,  
KATHY HILL,  
GARY BURGESS,  
R. BLYTHE,  
R. BASKERVILLE,  
C. KRAWCYZK, and  
FEDERAL BUREAU OF PRISONS**

**Defendants.**

**Case No. 17-cv-338-JPG**

**NOTICE OF IMPENDING DISMISSAL**

**GILBERT, District Judge:**

Plaintiff Francis Schaeffer Cox filed this action pursuant to *Bivens v. Six Unknown Agents of the Bureau of Narcotics*, 403 U.S. 388 (1971) alleging that employees of Marion United States Penitentiary have violated the Constitution. (Doc. 1). In his Complaint, Plaintiff seeks monetary damages, injunctive relief, and declarative relief. (Doc. 1).

On April 3, 2017, this case was opened in the Southern District of Illinois without payment of a filing fee or the filing of a Motion and Affidavit to Proceed in District Court Without Prepaying Fees or Costs ("IFP Motion"). (Doc. 1) (Doc. 4). Plaintiff submitted a notice to the Court indicating that he had authorized the prison to pay the filing fee in this case out of his funds. (Doc. 3). On April 3, 2017, the Clerk of Court sent Plaintiff a letter (Doc. 4) advising him that he must prepay the filing fee of \$400.00 or file an IFP Motion within thirty (30) days (*i.e.*, by May 3, 2017). Plaintiff was clearly warned that failure to prepay the full filing fee or file

an IFP Motion by May 3, 2017, would result in dismissal of this case. *Id.* Document 4 was mailed to Plaintiff at the address listed on the complaint and on file with the Clerk's Office in this action at the time – USP Marion. Attached to this letter was a form IFP Motion. Given Plaintiff's representation that the fee was forthcoming, the Court departed from its usual practice and waited an additional 2 weeks past the May 3 deadline, but still no fee has been forthcoming. The Court has received no further correspondence from Plaintiff.

To date, Plaintiff has not paid the \$400.00 filing fee for the action or filed a properly completed IFP Motion. The Court cannot allow this matter to linger indefinitely. The deadline set in Document 4 remains in effect.

Plaintiff is hereby **ORDERED** to provide the Court with a filing fee of \$400.00 or a properly completed IFP Motion on or before **June 8, 2017**. The Clerk is **DIRECTED** send Plaintiff another form IFP motion.

Plaintiff is again **ADVISED** of his continuing obligation to keep the Clerk and each opposing party informed of any change in his address. The Court will not independently investigate Plaintiff's whereabouts. This shall be done in writing and not later than 7 days after a transfer or other change in address occurs.

**Failure to comply with this Order shall result in dismissal of this action for want of prosecution and/or for failure to comply with a court order under Federal Rule of Civil Procedure 41(b).**

IT IS SO ORDERED.

DATED May 17, 2017.

*s/J. Phil Gilbert*  
United States District Judge